## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

FOTOMEDIA TECHNOLOGIES, LLC,

**Plaintiff** 

CIVIL ACTION NO. 2:07-cv-256-TJW

JURY TRIAL DEMANDED

v.

ALLTEL COMMUNICATIONS, INC., SPRINT SPECTRUM L.P., T-MOBILE USA, INC., and CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS.

Defendants.

## [PROPOSED] ORDER GRANTING JOINT MOTION FOR A STAY OF THE PROCEEDINGS PENDING REEXAMINATION OF THE PATENT-IN-SUIT

The Court, having considered the Joint Motion for a Stay of the Proceedings Pending Reexamination of the Patent-in-Suit and finding good cause supporting it, finds that the Motion should be granted.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff FotoMedia, LLC's ("FotoMedia") and Defendant T-Mobile USA, Inc.'s ("T-Mobile") Joint Motion for a Stay of the Proceedings Pending Reexamination of the Patent-in-Suit is GRANTED. This case is hereby stayed pending further order of the Court, or until the conclusion of the reexamination proceedings. This order shall not preclude the parties from filing stipulated dismissals or consent judgments during the pendency of the stay.

The parties have stipulated that (1) T-Mobile shall not assert at trial that the '774 or '936 Patents are invalid in view of U.S. Patent No. 5,760,917 to Sheridan and (2) that the '231 Patent is invalid in view of U.S. Patents No. 6,564,225 to Brogliatti *et al.*, No. 6,321,231 to Jebens *et* 

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al., and No. 5,315,657 to Abadi et al. T-Mobile, however, reserves all rights to assert patent invalidity in view of any other references identified in its patent invalidity contentions or the invalidity contentions of any prior party to this case, FotoMedia, LLC v. Alltel Communications, Inc. et al., civil action no. 2:07-cv-256-TJW-CE, or the invalidity contentions of any party to FotoMedia, LLC v. AOL, LLC, et al., civil action no. 2:07-cv-00255-TJW-CE.

SIGNED this 28th day of December, 2009.

CHARLES EVERINGHAN

UNITED STATES MAGISTRATE JUDGE